

REMARKS

Status of the Application

Claims 1-27 are all the claims pending in the application. Claims 1, 5-7, 9, 13-15, 17, 20-21, and 25-26 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Tsukishima et al. (hereinafter Tsukishima) (U.S. 6,647,304). Claims 2-4, 10-12, 18-19, 22 and 24 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Tsukishima in view of LaFata et al. (hereinafter LaFata) (U.S. 5,603,201). Claims 8 and 16 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Tsukishima in view of Hadjigeorgis (U.S. 2002/0152118). Claims 23 and 27 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Tsukishima in view of Official Notice.

Applicant thanks the Examiner for removing the rejections under 35 U.S.C. § 112.

Telephone Interview

Applicant thanks the Examiner for a useful telephone interview on October 16, 2008 with Counsel for Applicant. The application of Tsukishima to claim 1 and other claims was discussed. Agreement was not reached, although both parties stated that Tsukishima was perhaps not the most applicable reference to the present claims. Examiner requested submission of written comments, which Applicant here provides. It is respectfully submitted that this statement of substance of interview complies with the requirements of 37 C.F.R. §§ 1.2 and 1.133 and MPEP § 713.04.

Claim 1

Claim 1 recites “a model search device for identifying a model of said electronic equipment based on said product data”. The portion of Tsukishima to which the Examiner points (column 4, lines 5-33) describes a product data base (DB), which stores the names of various parts, which comprise the product and other information about the product. This database is used to search by product number, which has previously been recorded (column 4, lines 8-9), for information about component parts of the product, etc. There is no teaching or suggestion in Tsukishima that the product DB is “a model search device for identifying a model of said electronic equipment”. The only element of the DB that the Examiner pointed to as corresponding to “a model of said electronic equipment” was the product number, which already known and used to search the product DB for component parts, etc.

Additionally, claim 1 recites “said manufacturer sending a part corresponding to identified said model to said shop.” The Examiner asserts that this feature is disclosed by Tsukishima in that the manufacture sends or grants access to a product manual (office action, page 3, last full paragraph). One of skill in the art, particularly reading the claims in light of the specification, would not have understood such a link on a customer web page through which a customer can access a operations manual (column 4, line 66) as a “manufacturer sending a part corresponding to identified said model to said shop”.

Claim 1 is therefore patentable. Claims 9 and 27 are patentable for analogous reasons.

Claim 17

The recited claim limitations are not met in the system of Tsukishima, which discloses that “the customer can offer a used product via mail or from the home page as required” (column 24, lines 57-58). Claim 17 describes in order, (a) checking whether said electronic equipment operates normally; (b) reading product data including a model code from said electronic equipment when said electronic equipment operates normally. At a minimum, Tsukushima does not teach a step of checking for normal operation and subsequently reading the product data when the equipment operates normally. To the extent that any check of operation is provided in the cited art, it is after the download of a diagnostic program. The sending of the diagnostic program is independent of any result of check for normal operation. Therefore, the features of claim 17 are not taught.

The reason that Tsukushima does not have the condition checking for product data after normal operation is confirmed is because Tsukushima relates to a situation for when a current user may be attempting to fix or maintain their product. Thus, the operation is likely to be faulty or otherwise not a normal operation. In fact, the part ordering aspects of Tsukushima are more likely to be applicable in a situation where a product is defective, and thus does not exhibit a normal operation.

The remaining claims are patentable based on their dependency.

Claim 2

With further regard to claim 2, the teaching of a box in LaFata does not teach sending the box from a manufacturer to a shop. The Examiner is ignoring the fact that claim 2 is dependent

on claim 1 which describes provision of the box from a particular source to a particular destination based on a model search process. LaFata simply teaches the box. This feature of claim 2 is not taught in Tsukishima and not suggested by the cited combination of Tsukishima and LaFata. Claim 10 is patentable for analogous reasons.

Claim 27

With further regard to claim 27, this claim describes sending apparatus for repair if the determination of normal operation determines non-normal operation. The Examiner cites Office Notice that it is obvious to service a product with defects, citing two commercial websites. Applicant challenges the reliance on Office Notice on the following grounds. As an initial matter, Applicant requests verification that the cited art actually teaches such repair. As a second matter, Applicant further requests verification that the repair predates Applicant's invention date. As a final matter, Applicant submits that even if the above two matters can be demonstrated, it is noted that if there is no normal operation, then the steps of claim 27 (based on its dependency on claim 17) for product identification and receiving parts would never be performed. Though the Examiner contends that the operation check is performed, this check in Tsukishima presupposes that the test product is ordered and received, and thus the device is operating normally. The Examiner's reliance on a non-operable product and reliance on cols. 25-26 for status as an operable product thus become mutually exclusive. Therefore, the rejection raises inconsistencies and should be withdrawn.

Conclusion

Applicant submits that Tsukishima does not teach or suggest the features of the present claims. Applicant respectfully requests the Examiner to remove the grounds of rejection.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880 via EFS payment screen. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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CUSTOMER NUMBER


Susan Peing Pan,
Registration No. 41,239

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